

COMMENT I:

Albert J. Gutierrez

Date of Comment: January 22, 2013

Comment submitted via e-mail

Comment:

Sent: Tuesday, January 22, 2013 2:50 PM
To: David Burkett - Project Construction Manager
Subject: Ranchoero Road widening

Mr. Burkett,

I am writing to see if I can get any information at all regarding the phase II/III of the Ranchoero Rd project. I live at [redacted] and Maple Ave. Looking at how the street currently is, and the surrounding area, I would think that I will be affected rather minimally, if at all. I know some properties and/or land will need to be acquired, so I was wondering if that would possibly include/affect me and my home. I know the public meeting to discuss the project is coming up, but I will be working and won't be able to attend. I haven't had a chance to go to City Hall and look at the proposed plan, so I have just been conducting my own speculations.

You can reach me through this medium, or by contacting me on my cell phone: [redacted]. I am currently at work, so if you call today, you will need to leave a voice message. You can call me at my work number: [redacted] today, but if you are out of your office all day, then an email or cell phone message will work just fine. Thanks for your assistance.

Very Respectfully,

Albert Gutierrez

COMMENT I:

Albert J. Gutierrez

Date of Comment: January 22, 2013

Comment submitted via e-mail

Response:

(I-1) As discussed in the EIR, partial acquisition of property will be required to accommodate the road widening.

However, based on preliminary design, the project will not require ROW acquisition at your property.

Please refer to Chapter 2.14 of the EIR for more detailed information on Acquisitions. Table 2.14-1 provides information on acquisitions required to construct the proposed project.



COMMENT J:

Lahontan Regional Water Quality Control Board (RWQCB)


Date of Comment: January 28, 2013

Comment submitted via e-mail

Comment:



EDMUND G. BROWN, JR.
GOVERNOR



MARLENE RODRIGUEZ
DIRECTOR FOR ENVIRONMENTAL PROTECTION

Lahontan Regional Water Quality Control Board

January 28, 2013

File: Environmental Doc Review
San Bernardino County

Scott Priester
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
Email: spriester@cityofhesperia.us

COMMENTS ON THE NOTICE OF PREPARATION FOR THE RANCHERO ROAD WIDENING PROJECT, STATE CLEARINGHOUSE NUMBER 2012061058

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received the Draft Environmental Impact Report (DEIR) for the above-referenced project (Project) on December 17, 2012. The DEIR, prepared by Parsons on behalf of the City of Hesperia (City), was submitted in compliance with provisions of the California Environmental Quality Act (CEQA). Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations (CCR), title 14, section 15096. We recommend that the City consider our comments and value our mission to protect waters of the State and maintain water quality in the Lahontan Region.

Project Description

The proposed Project is to widen a 5-mile long stretch of Ranchero Road from east of Mariposa Road to Seventh Avenue within portions of the City of Hesperia and the unincorporated area of Oak Hills, San Bernardino County. Project components include widening of the roadway to a four-lane capacity and reconstructing asphalt pavement, placement of traffic signals at major intersections, extending existing culverts beneath the roadway, and construction of new stormwater facilities.

Specific Comments

Water Board staff previously commented on the Notice of Preparation of a DEIR for this Project. Our letter dated July 12, 2012, is enclosed for reference. Our specific comments on the DEIR are outlined below.

1. The Project is located within the Upper Mojave Hydrologic Area (Mojave Hydrologic Unit) of the Lahontan Region. Water quality objectives and standards, both numerical and narrative, for waters of the State, including those within the Upper Mojave Hydrologic Area, are outlined in Chapter 3 of the Lahontan Water Quality

DON JARDINE, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER
14440 Civic Drive, Suite 200, Victorville, CA 92396 | www.waterboards.ca.gov/lahontan

♻️ RECYCLED PAPER

J-1:

Mr. Priester

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January 28, 2013

Control Plan (Basin Plan). Implementation of the proposed Project must comply with all applicable water quality standards and prohibitions, including provisions of the Basin Plan.

J-2:

2. The beneficial uses listed in Table 2.9-1 of the DEIR reflect those beneficial uses as outlined in the Basin Plan for the West Fork Mojave River (Mojave Hydrologic Unit 628.00). The surface waters in the Project area are located specifically in the Upper Mojave Hydrologic Area 628.20 of the Mojave Hydrologic Unit 628.00 and are tributary to the West Fork Mojave River. Our Basin Plan defines the surface waters within the Project area as "minor surface waters" of the Upper Mojave Hydrologic Area 628.20, with beneficial uses assigned to those minor waters. By the tributary rule, tributaries also share the same beneficial uses as the receiving water. Therefore, in addition to the beneficial uses as assigned to the West Fork Mojave River, the minor surface waters within the Project area are also assigned a Hydropower Generation (POW) beneficial use.

J-3:

3. On page 2-199 of the DEIR, the reference to the 2006 Clean Water Act Section 303(d) List of Impaired Waterbodies is outdated. The U.S. EPA gave final approval to update the list on November 12, 2011. Information on the current 2008-2010 303(d) List of Impaired Waterbodies and related documents can be viewed at http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

J-4:

4. Page 2-219 of the DEIR states "lining runoff channels with impermeable surfaces, such as concrete or grouted rip-rap, will be discouraged." We agree that design measures other than the use of hard impermeable surfaces could be incorporated into the Project and we support the use of low impact development (LID) strategies, where feasible. For example, the Project will add nearly 10 acres of additional impervious area and therefore will result in an increase in stormwater runoff. The collection of stormwater runoff and the concentrated discharge of that stormwater to natural drainage channels is discouraged. Design alternatives that direct these flows to areas where they will dissipate by percolation into the landscape are preferred over direct discharge to surface water. Other components of LID that would benefit water quality and hydrology for this Project include: maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge; managing runoff as close to the source as possible; and maintaining vegetated areas for stormwater management and onsite infiltration.

J-5:

5. Mitigation Measures HWQ-1 and HWQ-11 both reference the use of hard surfaces, such as concrete or equivalent materials, as a means of providing slope protection for drainage channels. These mitigation measures appear to be in conflict with the statement on page 2-219 which states "lining runoff channels with impermeable surfaces, such as concrete or grouted rip-rap, will be discouraged." Again, we encourage maintaining natural drainage paths and landscape features to slow and filter runoff and utilizing vegetated areas for stormwater management and onsite infiltration.

Mr. Priester

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January 28, 2013

J-6:

6. We request that construction staging areas be sited in upland areas outside stream channels and other surface waters on or around the Project site. Buffer areas should be identified and exclusion fencing used to protect the water resource and prevent unauthorized vehicles or equipment from entering or otherwise disturbing the stream channel. Construction equipment should use existing roadways to the extent feasible.

J-7:

7. All temporary impacts should be restored (recontoured and revegetated) to match pre-Project conditions.

J-8:

8. Obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required. The environmental document must specifically describe the best management practices and other measures used to mitigate Project impacts.

Permitting Requirements

J-9:

A number of activities associated with the proposed Project appear to have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. The required permits may include.

- Land disturbance of more than 1 acre may require a Clean Water Act, section 402(p) stormwater permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Stormwater Permit, obtained from the State Water Board, or an individual stormwater permit obtained from the Lahontan Water Board;
- Discharge of low threat wastes to surface waters including, but not limited to, diverted stream flows, construction and/or dredge spoils dewatering, and well construction and hydrostatic testing discharge, may be subject to discharge and monitoring requirements under NPDES General Permit, Limited Threat Discharges to Surface Waters, Board Order R6T-2008-0023; and
- Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board.

Please be advised of the permits that may be required for the proposed Project, as outlined above. Should Project implementation result in activities that trigger these permitting actions, the Project proponent must consult with Water Board staff prior to Project implementation. Information regarding these permits, including application forms, can be downloaded from our web site at <http://www.waterboards.ca.gov/lahontan/>.

Mr. Priester

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January 28, 2013

Thank you for the opportunity to comment. If you have any questions regarding this letter, please contact me at (760) 241-7376 (jzimmerman@waterboards.ca.gov) or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 (pcopeland@waterboards.ca.gov).

Sincerely,



Jan M. Zimmerman, PG
Engineering Geologist

Enclosure: Water Board Staff Comment Letter (July 12, 2012)

cc w/o Enc.: State Clearinghouse (SCH 2012061058)
(via email, state.clearinghouse@opr.ca.gov)

Stephanie Blanco, Parsons
(via email, Stephanie.blanco@parsons.com)

Veronica Chan, US Army Corps of Engineers
(via email, Veronica.C.Chan@usace.army.mil)

Jeff Brandt, California Department of Fish and Wildlife
(via email, jbrandt@cdfw.ca.gov)

JZ\rc\UICEQA Review\Ranchero_DEIR.docx

COMMENT J:

Lahontan Regional Water Quality Control Board (RWQCB)

Date of Comment: January 28, 2013

Comment submitted via e-mail

Response:

(J-1) Noted. A statement has been added to the Regulatory Setting that identifies the need to comply with all applicable water quality standards, including provisions of the Basin Plan.

(J-2) Noted. Table 2.9-1 has been revised to include Hydropower Generation (POW) as an identified beneficial use, and “minor surface waters” were also added as receiving waters.

(J-3) Your comment is noted. The reference to the 2006 CWA Section 303(d) List of Impaired Waterbodies in the EIR has been updated to include the 2008-2010 303(d) List of Water Quality Limited Segments (SWRCB, 2010).

(J-4) Noted. The collection of stormwater runoff and the concentrated discharge to natural drainage channels would be limited to the maximum extent practicable; however, in some cases, the lack of available ROW and site conditions prevent the use of areas that can be used to dissipate and percolate flows.

(J-5) Mitigation Measures HWQ-1 and HWQ-11 both reference the use of hard surfaces, such as concrete or equivalent materials, as a means for providing slope or surface protection. Neither of these mitigation measures is proposing to line a channel. During the PS&E phase, the appropriate method of slope/surface protection would be identified, and the lining of runoff channels with impermeable surfaces would continue to be discouraged.

(J-6) Agree. The project-specific SWPPP that would be prepared and implemented for the proposed project would ensure the conditions of these comments are met.

(J-7) Agree. To the maximum extent practicable, all temporary impacts would be restored to match pre-project conditions.

(J-8) Noted. The EIR now contains more-specific detail on the types of BMPs and other mitigation measures that are anticipated to be implemented on the proposed project.

(J-9) Your comment is noted. Permitting requirements are identified in the EIR.



COMMENT K:

Department of Fish and Wildlife

Date of Comment: February 7, 2013

Comment submitted via mail

Comment:

	State of California – Natural Resources Agency DEPARTMENT OF FISH AND WILDLIFE Inland Deserts Region 3602 Inland Empire Blvd Suite 220 Ontario, CA 91764 www.dfw.ca.gov	
	EDMUND G. BROWN JR., Governor CHARLTON H. BONHAM, Director	
		RECEIVED By Executive Secretary FEB 05 2013 Development Services
January 28, 2013		
Scott Priester City of Hesperia 9700 Seventh Ave Hesperia, CA 92345		
Subject: Rancho Road Widening Project (SCH: 2012061058)		
Dear Mr. Priester:		
<p>The California Department of Fish and Wildlife (Department) is providing comments on the Draft Environmental Impact Report (DEIR) for the proposed Rancho Road Widening Project (Project) prepared by the City of Hesperia (Lead Agency). The Department is providing these comments as the State agency which has statutory and common law responsibilities with regard to fish and wildlife resources and habitats. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish and Game Code §711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species (Fish and Game Code §1802). The Department's fish and wildlife management functions are implemented through its administration and enforcement of Fish and Game Code (Fish and Game Code §702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (see CEQA Guidelines, 14 Cal. Code Regs. §15386(a)) and a responsible agency regarding any discretionary actions (CEQA §15381). The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.</p> <p>The Project is located in the City of Hisperia, 2,200 feet east of Mariposa Roadd and extends east to Seventh Avenue for approximately five miles. The Project would involve widening Rancho Road from its current two-lane configuration to a four-lane , widening the Union Pacific Railroad (UPRR), culvert extensions; and construction of storm water facilities.</p>		
The Department offers the following comments and recommendations:		
K-1:	The project is in the range of the desert tortoise (DT) (<i>Gopherus agassizzi</i>), Mohave ground squirrel (MGS) (<i>Xerospermophilus mohavensis</i>) which are listed as threatened under the California Endangered Species Act (CESA); and the burrowing owl (BUOW) (<i>Athene cunicularia</i> , BUOW), which is a Species of Special Concern and protected under Fish and Game Code Sections 3503, 3503.5 and 3513.	
General Comments		
K-2:	The DEIR does not fully identify potential impacts to endangered and threatened species, lakes, streams, and associated resources and provide adequate avoidance and mitigation. In order to avoid delays or repetition of the CEQA process, potential impacts biological resources, as well as avoidance and mitigation measures need to be included within this CEQA document.	
<i>Conserving California's Wildlife Since 1870</i>		

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January 31, 2013
Page 2

K-3: Table 2.5-1 Vegetation Community Area by Type, depicts the different Vegetation Communities in the study area, but does not disclose the exact number of acres impacted by this Project.

Biological Resource

K-4: In order for the Department to adequately assess the potential impacts the proposed project may incur, copies of the focused surveys for the above listed species and associated survey reports should be included in the CEQA document and submitted for Departmental review.

Mohave Ground Squirrel

K-5: Mohave ground squirrel and the property is within the known distribution of the "species" thus, without current negative protocol MGS surveys, the Department cannot concur that impacts to MGS is unlikely as reasonable evidence exists that impacts to MGS may occur. The DEIR does not specify if the applicant is going to conduct trapping to determine presence or absence of the species or if instead the applicant will assume presence of the species and acquire mitigation land and establish an endowment to restore and manage MGS habitat there. For results to be reliable, surveys for MGS should follow established survey guidelines. If protocol MGS trapping efforts demonstrate an absence of the species, this inference is considered valid only for one year's time following the final protocol trapping date. If the species is determined or assumed to be present, an Incidental Take Permit (ITP) pursuant to Fish and Game Code § 2080 would be warranted to ensure that the unlawful take of MGS would not occur.

Burrowing Owl

K-6: The Department recommends protocol level surveys for BUOW be conducted. Survey results should be submitted to the Department for further coordination. **Preconstruction surveys for BUOW may be warranted.** If during the preconstruction survey BUOW are observed, the Department recommends the Lead Agency require BUOW mitigation measures as described below.

1. As compensation for the direct loss of BUOW nesting and foraging habitat, the project proponent shall mitigate by acquiring and permanently protecting known BUOW nesting and foraging habitat at the following ratio:

- a) Replacement of occupied habitat with occupied habitat at 1.5 times 6.5 acres per pair or single bird;
- b) Replacement of occupied habitat with habitat contiguous with occupied habitat at 2 times 6.5 acres per pair or single bird; and/or
- c) Replacement of occupied habitat with suitable unoccupied habitat at 3 times 6.5 acres per pair or single bird.

2. The project proponent shall establish a non-wasting endowment account for the long-term management of the preservation site for BUOW. The site shall be managed for the benefit of BUOW. The preservation site, site management, and endowment shall be approved by the Lead Agency after consultation with the Department.

Ranchero Rd Widening Project
January 31, 2013
Page 3

3. All BUOW associated with occupied burrows that will be directly impacted (temporarily or permanently) by the Project shall be relocated and the following measures shall be implemented to avoid take of BUOW:

K-6:

- a) Occupied burrows shall not be disturbed during the nesting season, February 1 through August 31, unless a qualified biologist can verify through non-invasive methods that either the BUOW have not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent flight.
- b) BUOW in an occupied burrow that will be impacted by project activities must be relocated by a qualified biologist to suitable habitat adjacent to or near the original burrow or artificial burrows will need to be provided nearby. Once a qualified biologist has confirmed a burrow is unoccupied, burrows should be excavated using hand tools and backfilled to prevent reoccupation.
- c) A BUOW Relocation Plan, if needed, shall be prepared by the Lead Agency after consultation with the Department. The qualified biologist shall monitor all relocated BUOW a minimum of three days per week for a minimum of three weeks. A Burrowing Owl Mitigation and Monitoring Plan shall be prepared by the Lead Agency and submitted to the Department for review and approval prior to relocation of owls. The Burrowing Owl Mitigation and Monitoring Plan shall describe proposed relocation and monitoring plans. The plan shall include the number and location of occupied burrow sites and details on adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation of artificial burrows (numbers, location, and type of burrows) shall also be included in the plan. The Plan shall also describe proposed off-site areas to preserve to compensate for impacts to burrowing owls/occupied burrows at the project site as required under Condition 1. submitted to the Lead Agency and the Department within 30 days of relocation.

K-7:

4. A CESA, Incidental Take Permit (ITP) must be obtained, if the Project has the potential to result in "take" of species of plants or animals listed under CESA, either during construction or over the life of the Project. An ITP issued to conserve, protect, enhance, and restore State-listed threatened or endangered species and their habitats. Early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP. Revisions to the California Fish and Game Code, effective January 1998, require that the Department issue a separate CEQA document for the issuance of a CESA permit unless the Project CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit. For these reasons, the following information is requested:

1. Biological mitigation, monitoring, and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA Permit.
2. A Department-approved Mitigation Agreement and Mitigation Plan are required for plants listed as rare under the Native Plant Protection Act.

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Botanical surveys

K-8:

The Department recommends protocol level surveys be conducted for special status plant species. The November 24, 2009 Department of Fish and Wildlife, Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities provides guidance on the best time to conduct surveys, the systematic field techniques to use, and the survey extent that should be covered.

Jurisdictional Delineation

K-9:

The project may require a Streambed Alteration Agreement pursuant to Fish and Game Code §1600 et. seq. The Department has direct authority under Fish and Game Code §1600 et. seq. in regard to any proposed activity that would divert, obstruct, or affect the natural flow or change the bed, channel, or bank of any waterway. Departmental jurisdiction under §1600 et. seq. may apply to all lands within the 100-year floodplain. Early consultation is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources.

Under Section 1600 *et seq.* of the California Fish and Game Code, the Department requires notification of any activity that will divert, obstruct or change the natural flow or the bed, channel or bank (which includes associated riparian resources) of a river, stream or lake, or use material from a streambed prior to the applicant's commencement of the activity. Streams include, but are not limited to, intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams, and watercourses with subsurface flow. The Department's issuance of a Lake and Streambed Alteration Agreement for a project this is subject to CEQA will require CEQA compliance actions by the Department as a responsible agency. The Department may consider the local jurisdiction's (Lead Agency) CEQA document for the Project; however, if the CEQA document does not fully identify potential impacts to lakes, streams, and associated resources (including, but not limited to riparian and alluvial fan sage scrub habitat) and provide adequate avoidance, mitigation, monitoring, and reporting, additional CEQA documentation will be required prior to execution (signing) of the Streambed Alteration Agreement.

Thank you for the opportunity to provide comments on the DEIR. Questions regarding this letter and further coordination on these issues should be directed to Heather Weiche, Environmental Scientist at (909) 980-8607 or heather.weiche@wildlife.ca.gov.

Sincerely,



Debra Hawk
Habitat Conservation Supervisor

Cc:

Heather Weiche
State Clearinghouse
CHRON

COMMENT K:

Department of Fish and Wildlife

Date of Comment: February 7, 2013

Comment submitted via mail

Response:

(K-1) Your comment is noted. As discussed in Section 2.4 of the EIR, the City and County acknowledge that the project is within the historic range of desert tortoise and Mohave ground squirrel, which are listed as threatened under the CESA; and the burrowing owl, a Species of Special Concern protected under Fish and Game Code Sections 3503, 3503.5, and 3513.

(K-2) Your comment is noted. As discussed below, additional information has been provided in the EIR to clarify potential impacts and specify avoidance, minimization, and mitigation measures as directed within your comment letter. Please refer to responses to K-3 through K-8 for specific revisions.

(K-3) Noted. Tables 2.5-2 and 2.5-3 have been added to the Final EIR, which provide details on temporary and permanent impact acreages for vegetation communities within the project study area. Maps of temporary and permanent impacts have also been added to the Final EIR. Please see Sections 2.4.4 and 2.4.5 for these additional tables and exhibits.

(K-4) Your comment is noted. A copy of the Biological Report for the Ranchero Road Widening Project will be submitted to CDFW for review. Additionally, this report has been attached to the Final EIR as Appendix N. This Biological Report includes research methods and technical analysis conducted for desert tortoise, Mohave ground squirrel, and burrowing owl within the project study area.

(K-5) As noted in the EIR and Biological Report, the project area supports marginal habitat for Mohave ground squirrel and is within the species' home range; however, the project site is predominantly developed adjacent to the existing roadway. Although habitat potentially supporting Mohave ground squirrel does exist, these patches of vegetation are highly disturbed and fragmented by urban and residential encroachment and off-road uses

As part of the project's Biological Report, biological consultants conducted a field survey to determine habitat suitability for the Mohave ground squirrel, during which they observed no individuals or habitat elements that support the species, including no potential burrow locations. Furthermore, the CNDDDB indicates that Mohave ground squirrel have never been observed within the project area, with the closest recorded observance of the species occurring more than 3 miles northeast of the eastern terminus of the project area more than 75 years ago.

In conclusion, although the site does support suitable habitat for Mohave ground squirrel, its isolation, lack of constituent habitat elements, and lack of nearby recent sightings of Mohave ground squirrel lead to the conclusion that this species will not likely occur within the project area; therefore, protocol surveys were not completed and are not planned for Mohave ground squirrel. The species is not assumed to be present within the project area.

(K-6) As noted in the EIR and Biological Report, the burrowing owl has a high potential to occur in the project area because of the large home range of the species. In addition, the project area contains suitable habitat occupied by the burrowing owl, including those with low-lying vegetation; however, similar to the discussion above, the remaining patches of potential habitat adjacent to Ranchero Road are highly disturbed and fragmented by urban and residential encroachment and off-road uses.

As part of the project's Biological Report, biological consultants conducted a field survey to determine habitat suitability for burrowing owl within the project study area. During the survey, no burrowing owls or burrowing owl burrows were observed. Thus, although the site does support suitable habitat for burrowing owl, its isolation and high level of disturbance lead to the conclusion that this species is not likely to occur within the project area. Therefore, protocol surveys were not completed and are not planned for burrowing owl. This species is not expected to be present within the project area; however, preconstruction surveys will be conducted to confirm absence of burrowing owl as detailed below.

As specified in measure BIO-6, a preconstruction survey for burrowing owl shall be conducted by a qualified biologist no more than thirty (30) days prior to the commencement of ground-disturbing activities to determine the presence or absence of burrowing owls on the site. If there are resident owls found during the preconstruction survey, then the City of Hesperia will develop a Burrowing Owl

Mitigation and Monitoring Plan (BOMMP) and work with CDFW to determine and implement measures to minimize impacts.

(K-7) An Incidental Take Permit (ITP) is not expected to be required for the proposed project. As discussed in the EIR, the project is not expected to result in “take” of species of plants or animals listed under the CESA, either during construction or over the life of the project. As specified in measure BIO-6, a preconstruction survey will be conducted for species protected under the CESA. If this listed species is found onsite during the preconstruction survey, then the City of Hesperia will work with CDFW to determine and implement measures to minimize impacts.

(K-8) As noted in the EIR and Biological Report, a biological reconnaissance survey and habitat assessment for sensitive species was conducted for the proposed project to characterize biological resources and constraints near the project corridor. The assessment included a general characterization and mapping of plant communities on the project site and assessment of the special-status plant species that have the potential to occur on the site.

A focused rare plant survey was also conducted. The survey consisted of traversing all potential habitat areas within the project area and a 50-ft buffer. The survey was conducted during the spring, when conditions were most conducive to observations of rare plant species. All rare plant species observed were mapped on aerial photographs, and their locations were recorded using handheld GPS units. Photographs were taken to document the presence of rare plant species.

The project area mainly supports developed areas, but also contains Mojave desert scrub, Joshua tree woodland, and California Juniper woodland, as well as disturbed areas. Seven special-status plant species were determined to have a potential to occur in the project area. Only one of these rare plant species, sagebrush loeflingia (*Loeflingia squarrosa* var. *artemisarium*), was observed during the field survey in three separate locations in the project corridor during focused rare plant surveys. Sagebrush loeflingia is a CNPS List 2.2 and BLM sensitive annual herb; however, it is not classified as rare, threatened, or endangered by state law according to the most recent list available on CDFW’s Web site published in January 2013 (<http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/TEPlants.pdf>).

Therefore, based on these studies, the City and the County do not anticipate impacts to any plant species that will require further analysis, permitting, or mitigation.

(K-9) Your comment is noted. The City and the County are familiar with CDFW's permitting conditions and will apply for applicable permits as necessary. As discussed in Section S.9, it is anticipated that a CDFW Code Section 1602 Streambed Alteration Agreement will be required to construct the proposed project. Construction will not commence until the permit is issued by USACE. Once issued, the conditions of these permits will be incorporated into the project.

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Appendix N Biological Technical Reports

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Biological Report for the Ranchero Road Widening Project City of Hesperia, California



Submitted to:

PARSONS

3200 East Guasti Road
Suite 200
Ontario, CA 91761

Submitted by:



ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

215 North Fifth Street
Redlands, CA 92374

April 2013

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City of Hesperia and County of San Bernardino**

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Appendix C – Special-Status Wildlife Species Documented in the Database Search

Appendix D – ACOE and CDFW Delineation

RANCHERO ROAD WIDENING PROJECT BIOLOGICAL REPORT

SUMMARY

A biological reconnaissance survey and habitat assessment for sensitive species was conducted August 25, 2009 by ECORP Consulting, Inc. (ECORP) to characterize biological resources and identify biological constraints for the proposed Ranchero Road Widening Project in the City of Hesperia. A rare plant survey was conducted May 10 and 11, 2010. The Project area mainly supports developed areas, but also contains sizeable amounts of Mojave desert scrub, Joshua tree woodland, and California Juniper woodland, as well as disturbed areas. Seven special-status plant species and nine special-status wildlife species had been determined to have a potential to occur in the Project area. One rare plant species, sagebrush loeflingia (*Loeflingia squarrosa* var. *artemisarium*), was observed in three separate locations in the Project corridor during focused rare plant surveys. No special status animal species were observed during any of the site visits.

The Project area supports marginal habitat for the state and federally-listed threatened desert tortoise (*Gopherus agassizii*) and the state-listed threatened Mohave ground squirrel (*Spermophilus mohavensis*). However, neither of these species is expected to occur in the project area due to limited available habitat, and isolation by surrounding development. Therefore, protocol surveys were not completed for these species.

The burrowing owl, a California Species of Concern (CSC) species has a high potential to occur in the project area because of the large home range of the species and the project area contains suitable habitat. Four surveys and a preconstruction survey are recommended for this species. Migratory birds that are protected by the federal Migratory Bird Treaty Act of 1918 (MBTA) also have potential to nest within the shrubs in the Project area. Preconstruction surveys are recommended to avoid any impacts to nesting birds.

Several jurisdictional drainages and drainage culverts occur on the site. A separate jurisdictional delineation was conducted by ECORP, the results of which are summarized under a separate cover (2010). Drainages that are impacted by the proposed Project would require a permit with the appropriate agency (CDFW, ACOE and/or RWQCB). Impacts total 0.025 acre and 264 linear feet of ACOE jurisdiction and 0.080 acre of CDFW jurisdiction.

Sagebrush loeflingia is not formally listed at either the state or federal level, but is considered a "List 2.2" species by the California Native Plant Society. The three stands of sagebrush loeflingia would be avoided by the proposed project and no impacts are anticipated to the species. The project would not require an Incidental Take Permit for this species. nor would any agency coordination be needed for impacts to the species.

According to the City of Hesperia Municipal code (Title 16 Development Code, Chapter 16.24 Protected Plants), several trees that are present on the site must be inventoried and potentially relocated if impacted. These include any desert native trees and/or plants with stems two inches or greater in diameter or a height of six feet or greater including smoke tree

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(*Psoralea* spp.), mesquite (*Prosopis* spp.), creosote rings (*Larrea tridentata*) ten feet or greater in diameter, all Joshua trees (*Yucca brevifolia*), all plants protected or regulated by the State Desert Native Plants Act, and all riparian vegetation (within 200 feet of a stream).

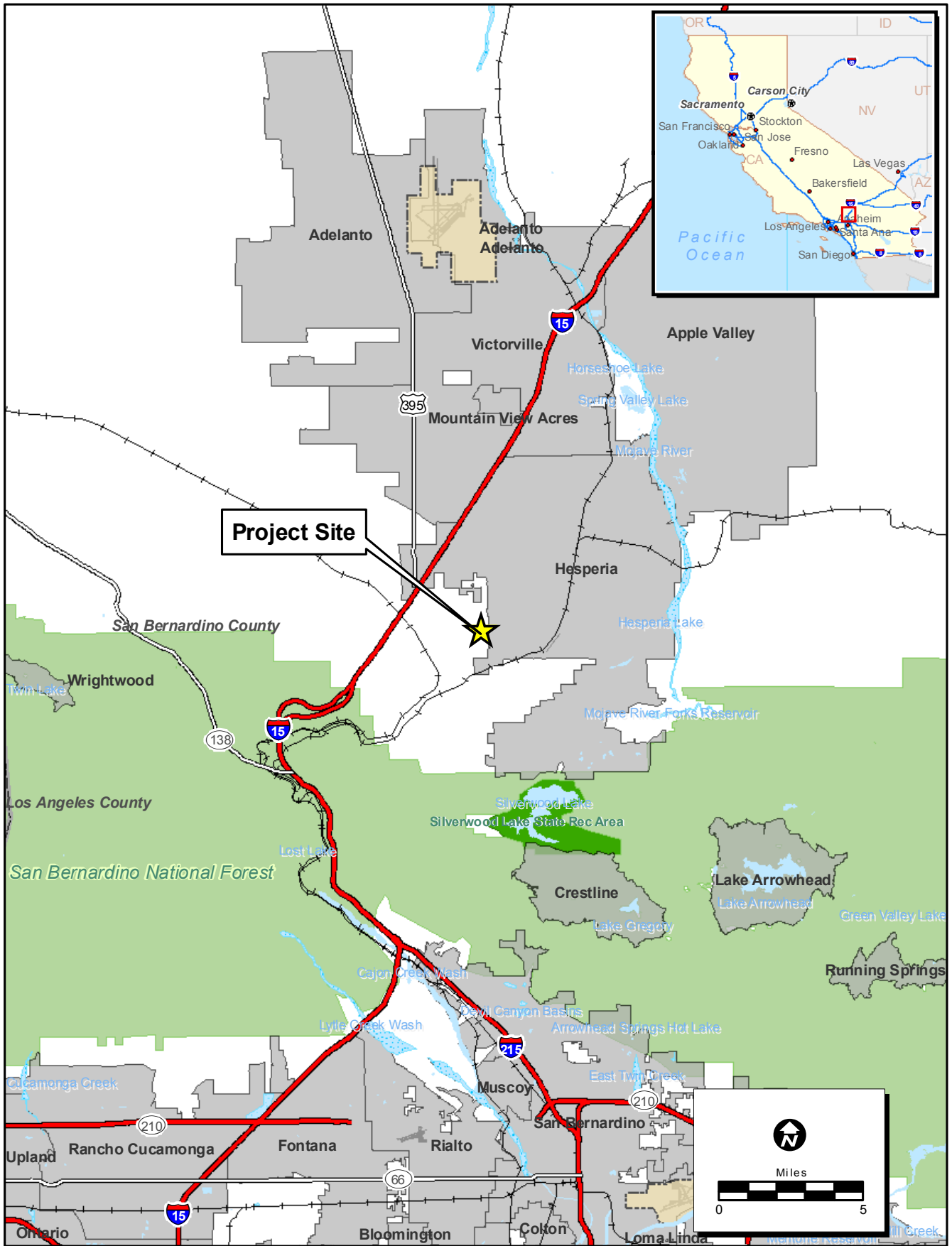
1.0 INTRODUCTION

The purpose of this report is to provide information on biological resources present within the Ranchoero Road Widening Project footprint and to discuss potential biological constraints for the proposed project, specifically the presence of suitable habitat for federally listed species and other special status biological resources.

ECORP biologists conducted a biological assessment of the site proposed along Ranchoero Road in the City of Hesperia. The assessment included: 1) a review of state and private databases for special-status species and previously-conducted surveys in the immediate area, 2) a general characterization and mapping of plant communities on the project site, 3) a general inventory of plant and wildlife species, and 4) an assessment of the special-status plant and animal species that have the potential to occur on the project site. A focused rare plant survey was also conducted.

1.1 Project Location

The Project area is located in the City of Hesperia, San Bernardino County, California (Figure 1) and is located on the U.S. Geological Service (USGS) 7.5 minute Baldy Mesa quadrangle in Sections 33, 34, and 35 of Township 4 North Range 5 West, Sections 2, 3, and 4 of Township 3 North Range 5 West, and on the Hesperia quadrangle in Sections 35 and 36 of Township 4 North Range 5 West, Sections 1 and 2 of Township 3 North Range 5 West, Sections 31 and 32 of Township 4 North Range 4 West, and Sections 5 and 6 of Township 3 North Range 4 West. (U.S. Department of the Interior, Geological Survey 1992) (Figure 2). The project area is linear, following the existing corridor of Ranchoero Road between Coriander Drive to the west and 7th Avenue to the east.

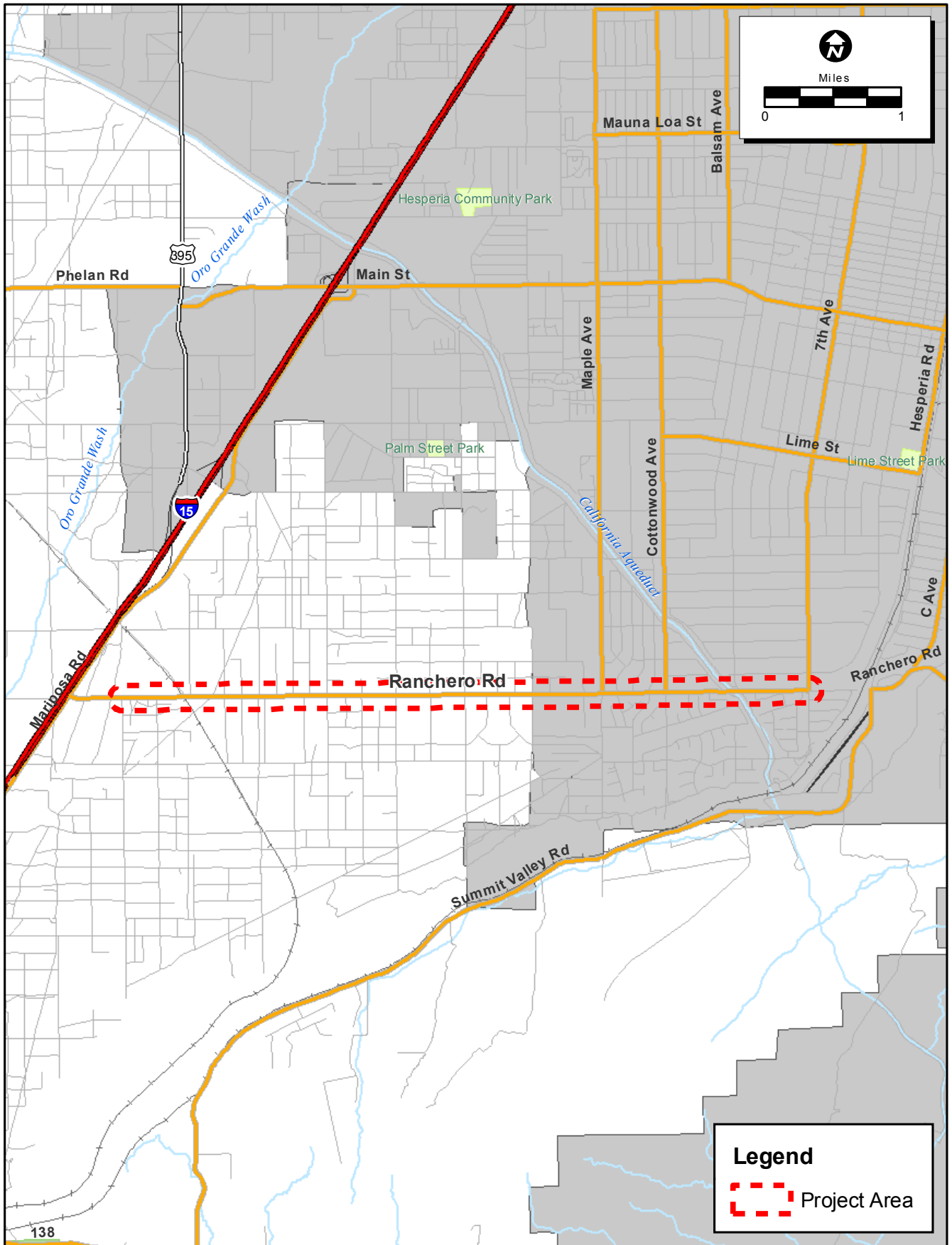


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Map Date: 10/20/2009

Figure 1. Vicinity Map

2009-103 City of Hesperia Ranchero Road Corridor



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DATE: 10/20/2009

Figure 2. Location Map

2009-103 City of Hesperia Ranchero Road Corridor

1.2 Project Description

The Project area reviewed in this jurisdictional delineation is part of the Capital Improvement Program of the City of Hesperia and is described briefly below. The City of Hesperia (City) proposes to widen Ranchoero Road from approximately 2,200 feet (ft) east of Mariposa Road to Seventh Avenue. The proposed project would involve widening Ranchoero Road from its current two-lane configuration to a four-lane facility within the City and its Sphere of Influence. Most of the existing asphalt pavement sections along Ranchoero Road would be removed and replaced with new asphalt pavement. The project would also entail widening the Union Pacific Railroad (UPRR) concrete panel crossing to an ultimate curb-to-curb design width of 92 ft; signalized intersections; culvert extensions; and storm water facilities. The purpose of the proposed Ranchoero Road project is to provide the City with an additional arterial-level east-west access route across the City, consistent with the City's adopted 2001 Circulation Element update of the General Plan, which is anticipated to improve future traffic operations along Ranchoero Road.

2.0 METHODS

2.1 Literature Search

Prior to conducting the field portion of the assessment, a literature search was performed. A search of the California Department of Fish and Wildlife's (CDFW's) *California Natural Diversity Data Base* (CNDDB) and the California Native Plant Society's Electronic Inventory (CNPSEI) was conducted to determine the special-status species that had been documented in the 7.5' minute topographic quadrangles surrounding the project site. Additional data regarding the potential occurrence of special-status species were gathered from the following sources:

- *State and federally listed endangered and threatened animals of California* (CDFG 2011a),
- *Special animals list* (CDFG 2011b),
- *Inventory of rare and endangered vascular plants of California* (CNPS 2005),
- *The Jepson Manual* (Hickman 1993), and
- Various online websites (e.g., Calflora 2011).

Using this information and observations in the field, a list of special-status plant and animal species that may have potential to occur within the project site was generated. For the purposes of this assessment, special-status species are defined as plants or animals that:

- Have been designated as either rare, threatened, or endangered by CDFW or the U.S. Fish and Wildlife Service (USFWS), and are protected under either the California or Federal Endangered Species Act (ESA);
- Are candidate species being considered or proposed for listing under these same acts;
- Are fully protected by the California Fish and Game Code, Sections 3511, 4700, 5050, or 5515.
- Are protected species under the federal Migratory Bird Species Treaty Act (MBTA, 1918)

The Project area was surveyed on foot, and the potential for special-status plants and wildlife to occur within these areas was determined. Vegetation types were classified according to California Native Plant Society nomenclature (Sawyer and Keeler-Wolf 1995) or other systems as applicable (e.g., Holland 1986). The names of all plants recognized in the field were recorded in field notes. Species not recognized were collected and identified using botanical references (e.g., Hickman 1993). Plant nomenclature follows that of *The Jepson Manual: Higher Plants of California* (Hickman 1993). Wildlife species were identified using a variety of sources (e.g., Stebbins 2003, Sibley 2003).

According to our research, 37 special-status species (16 plant species/ 21 wildlife species) had been previously documented within the Baldy Mesa, Cajon, Hesperia, and Silverwood Lake, 7.5' USGS topographic quadrangles. Each of these species was assessed for their potential to occur on site based on the following criteria guidelines:

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- Present:** Species was observed on site during a site visit or focused survey.
- High:** Habitat (including soils and elevation factors) for the species occurs on site and a known occurrence has been recorded within 5 miles of the site.
- Moderate:** Either habitat (including soils and elevation factors) for the species occurs on site and a known occurrence occurs within the database search, but not within 5 miles of the site; or a known occurrence occurs within 5 miles of the site and marginal or limited amounts of habitat occurs on site.
- Low:** Limited habitat for the species occurs on site and a known occurrence occurs within the database search, but not within 5 miles of the site, or suitable habitat strongly associated with the species occurs on site, but no records were found within the database search.
- Not Expected:** Species was found within the database search, but habitat (including soils and elevation factors) do not exist on site.
- (Note: Location information on some sensitive species may be of questionable accuracy or unavailable; therefore, for survey purposes, environmental factors associated with species occurrence requirements may be considered sufficient reason to give a species a positive potential for occurrence.)

Species excluded from this consideration are those that occur in drastically different habitat from that available in the Project area (such as high elevation montane species) or which have geographic range that does not include the survey area.

Soil types were determined using the Natural Resource Conservation Service's (NRCS's) Web Soil Survey that can be found online at <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.

2.2 Field Surveys

ECORP conducted a field survey to map vegetation communities, characterize habitats for special status species, and to develop species lists for the Project area. The entire Project corridor was walked and biological resources were mapped on aerial photographs of the Project area. During the survey photographs were taken to document site conditions.

Additional information collected included:

- Recording all plant and animal species observed on the project site and in immediately adjacent areas;
- Characterizing plant communities present on the project site;
- Determining habitat suitability for the Mohave ground squirrel;
- Searching for animal sign (detections of burrows, scat, tracks, vocalizations, etc.);
- Taking photographs at the project site; and,